

**IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY OHIO  
CIVIL DIVISION**

**SUMMONS**

**PLAINTIFF**

SCOTTY SLY SR

**VS**

**DEFENDANT**

SAMS CLUB INC.

**CASE NUMBER**

2019 CV 03420

**ARTICLE NUMBER**

788667713610

**TO THE FOLLOWING NAMED DEFENDANT:**

SAMS CLUB INC.

CO SAMS EAST INC.

702 SW 8TH STREET

BENTONVILLE AR 72716

You have been named a Defendant or Respondent in a complaint filed in Montgomery County Court of Common Pleas, Dayton, Ohio. **A copy of the Complaint is attached.**

**BY:**

SCOTTY SLY

5290 GARDENDALE AVE.

DAYTON, OH 45417

**PLAINTIFF ATTORNEY:**

KENNETH J IGNOZZI

131 NORTH LUDLOW STREET SUITE 1400

DAYTON, OH 45402

You are hereby summoned and required to serve upon the Plaintiff's attorney, or upon the Plaintiff, if the Plaintiff does not have an attorney, a copy of an **Answer to the Complaint** within **28 days after receipt of this summons, exclusive of the day you received the summons.** Your original **Answer** must be filed with the Clerk of Court's Office **within 3 days** after you serve the Plaintiff's attorney or Plaintiff.

JUL 25 2019

**If you fail to appear and defend, Judgment by Default may be rendered against you granting Plaintiff(s) the relief demanded in the Complaint.**

**NOTE:**

If you are represented by an attorney, your attorney is required to electronically file your Answer through the Court's authorized electronic filing system. See Montgomery County Common Pleas Court Loc. R. 1.15, Electronic Filing of Court Documents, for requirements of electronic filing. Local rules can be accessed at [www.montcourt.org](http://www.montcourt.org). Service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, your attorney is required to serve a paper copy of your Answer to the Plaintiff.

If you are representing yourself (appearing pro se), you have the option to file your Answer in paper OR through the Court's authorized electronic filing system (See Loc. R. 1.15, Electronic Filing of Court Documents). Local rules can be accessed at [www.montcourt.org](http://www.montcourt.org). If you file your Answer in paper, you are required to serve a paper copy of your Answer to the Plaintiff's Attorney or the Plaintiff. If you file your Answer electronically, service of the Answer will be made upon the Plaintiff's attorney through the Court's authorized electronic filing system. If the Plaintiff does not have an attorney, you are required to serve a paper copy of your Answer to the Plaintiff.



**/s/ MIKE FOLEY, ISSUED Wednesday, July 24, 2019**

**MIKE FOLEY, CLERK  
COURT OF COMMON PLEAS  
MONTGOMERY COUNTY, OHIO**

**PREPARED ELECTRONICALLY**

**In The Court Of Common Pleas, Montgomery County Ohio  
Civil Division**

**RETURN OF SERVICE SUMMONS**

**PLAINTIFF**

SCOTTY SLY SR

**VS**

**DEFENDANT**

SAMS CLUB INC.

**CASE NUMBER**

2019 CV 03420

**ARTICLE NUMBER**

788667713610

**TO THE FOLLOWING NAMED PARTY:**

SAMS CLUB INC.

CO SAMS EAST INC.

702 SW 8TH STREET

BENTONVILLE, AR 72716

**RETURN OF SERVICE(PERSONAL)**

	<b>FEES</b>	
SERVICE	\$ _____	I received the document on _____, 2019, at ____ o'clock ____ M. and
MILEAGE	_____	made personal service of it upon _____ by locating him/them and
TOTAL	\$ _____	tendering a copy of the document and accompanying documents, on
DATE	_____	_____, 2019.
		By _____

**RETURN OF SERVICE(RESIDENCE)**

	<b>FEES</b>	
SERVICE	\$ _____	I received the document on _____, 2019, at ____ o'clock ____ M. and
MILEAGE	_____	made residence service of it upon _____ by leaving, at his/their
TOTAL	\$ _____	usual place of residence with _____ a person of suitable age
DATE	_____	and discretion then residing therein a copy of the complaint and accompanying
		documents, on _____, 2019.
		By _____

**RETURN OF SERVICE(FAILURE OF SERVICE)**

	<b>FEES</b>	
SERVICE	\$ _____	I received the document on _____, 2019, at ____ o'clock ____ M. with
MILEAGE	_____	instructions to make personal/residence service upon
TOTAL	\$ _____	_____ and I was
DATE	_____	unable to serve a copy documents upon him/them for the following reasons:
		_____
		By _____

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ELECTRONICALLY FILED  
 COURT OF COMMON PLEAS  
 Wednesday, July 24, 2019 12:31:55 PM  
 CASE NUMBER: 2019 CV 03420 Docket ID: 33644166  
 MIKE FOLEY  
 CLERK OF COURTS MONTGOMERY COUNTY OHIO

**IN THE COURT OF COMMON PLEAS MONTGOMERY COUNTY, OHIO  
 CIVIL DIVISION**

**Scotty Sly, Sr.**  
 5290 Gardendale Ave  
 Dayton, OH 45417

: **CASE NO.:**

: **Judge:**

**Plaintiff,**

: **COMPLAINT FOR PERSONAL  
 INJURIES; JURY DEMAND  
 ENDORSED HEREON**

**vs.**

**Sam's Club, Inc.**  
 c/o Sam's East, Inc.  
 702 SW 8<sup>th</sup> Street  
 Bentonville, AR 72716

:

:

:

**Defendant.**

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**FIRST CLAIM FOR RELIEF**

1. Defendant Sam's Club, Inc. operates a store to the general public and located at 6955 Miller Lane, City of Dayton, Montgomery county.

2. On or about August 6, 2017, Plaintiff, Scotty Sly, while a business invitee at the Sam's Club, Inc., located at the aforementioned address, was injured as a result of a fall, the proximate cause of which was a dangerous and hazardous condition known by Defendants, to exist, to wit: an unstable and defective display chair.

3. Defendant, Sam's Club, Inc. had a duty to maintain its public chairs in a reasonably safe condition, to inspect its public chairs in a manner designed to discover dangerous and hazardous conditions, and to provide a warning to the public regarding the existence of dangerous and hazardous conditions.

4. Defendant, Sam's Club, Inc. was negligent in the maintenance and care of its public chairs in that it failed to keep them free from a hazardous condition.

5. Defendant, Sam's Club, Inc. was negligent in that they failed to conduct any regular inspection of its public chairs, thereby failing to discover and correct/repair defective conditions which presented a hazard to the public, generally and Plaintiff, Scotty Sly, specifically.

6. As the direct and proximate result of the negligence of Defendant, Sam's Club, Inc., Plaintiff, Scotty Sly, sustained injuries and damages as follows:

- a. Severe and permanent injuries, including lumbar back pain with radiculopathy;
- b. Great pain and suffering both physical and emotional, and loss of ability to perform usual functions and will cause further pain and suffering and loss of ability to perform usual functions in the future;
- c. Reasonable and necessary medical expenses in an in excess of \$40,538.78;
- d. Lost wages in an amount to be determined.

7. The aforesaid negligence of Defendant, Sam's Club, Inc. was the direct and proximate cause of the injuries and damages to Plaintiff, Scotty Sly.

**WHEREFORE**, Plaintiff, Scotty Sly, demands judgment against the Defendant, Sam's Club, Inc. in an amount in excess of \$25,000.00.

Respectfully submitted,

/s/ Kenneth J. Ignozzi

Kenneth J. Ignozzi (0055431)

Attorney for Plaintiff

Dyer, Garofalo, Mann, & Schultz

131 N. Ludlow Street, Suite 1400

Dayton, OH 45402

Tel: (937) 223-8888; Fax: (937) 824-8630

Email: [kignozzi@dgmslaw.com](mailto:kignozzi@dgmslaw.com)

**JURY DEMAND**

Now comes Plaintiff, by and through counsel, and hereby demands a trial by jury on all issues of this matter.

/s/ Kenneth J. Ignozzi

Kenneth J. Ignozzi (0055431)

Attorney for Plaintiff



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document here.

ORIGIN ID: DAYA (937) 496-7623  
MIKE FOLEY  
CLERK OF COURTS  
41 N PERRY ST  
ROOM 104  
DAYTON, OH 45422  
UNITED STATES US

SHIP DATE: 24JUL19  
ACTWGT: 0.80 LB  
CAD: 110873545/WSX13100

BILL SENDER

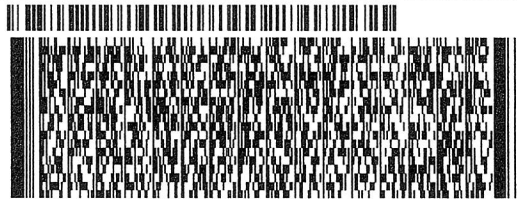
TO

SAMS CLUB INC.  
CO SAMS EAST INC.  
702 SW 8TH STREET  
BENTONVILLE AR 72716

(937) 496-7623  
INV:  
PO:

REF: 2019 CV 03420

DEPT:



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A 16:30

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RT 334

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MON - 29 JUL 4:30P

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Extremely Urgent

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